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Attorney for Defendant  
GEORGE MARTINEZ, JR.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. Cr. F 99-5038 OWW
	)	
Plaintiff,	)	<b>STIPULATED MOTION AND ORDER TO</b>
	)	<b>REDUCE SENTENCE PURSUANT TO 18</b>
v.	)	<b>U.S.C. § 3582 (c) (2)</b>
	)	
GEORGE MARTINEZ, JR.,	)	<b><u>RETROACTIVE CRACK COCAINE</u></b>
	)	<b><u>REDUCTION CASE</u></b>
Defendant.	)	
	)	
_____	)	

Defendant, GEORGE MARTINEZ, JR., by and through his attorney,  
Assistant Federal Defender David M. Porter, and plaintiff, UNITED  
STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney  
Kevin P. Rooney, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c)(2), this court may reduce the  
term of imprisonment in the case of a defendant who has been sentenced  
to a term of imprisonment based on a sentencing range that has  
subsequently been lowered by the Sentencing Commission pursuant to 28  
U.S.C. § 994(o);

2. The sentencing range applicable to Mr. Martinez was  
subsequently lowered by the United States Sentencing Commission in  
Amendment 706 by two levels;

3. Accordingly, Mr. Martinez's adjusted offense level has been reduced, and an appropriate sentence taking into consideration all the factors set forth in 18 U.S.C. § 3553(a) would be 135 months;

4. Accordingly, the parties request the court enter the order lodged herewith reducing Mr. Martinez's term of imprisonment to a term of 135 months.

Dated: August 4, 2008

Respectfully submitted,

McGREGOR SCOTT  
United States Attorney

DANIEL J. BRODERICK  
Federal Defender

/s/ Kevin P. Rooney  
KEVIN P. ROONEY  
Assistant U.S. Attorney

/s/ David M. Porter  
DAVID M. PORTER  
Assistant Federal Defender

Attorney for Plaintiff  
UNITED STATES OF AMERICA

Attorney for Movant  
GEORGE MARTINEZ, JR.

#### ORDER

This matter came before the Court on the stipulated motion of the defendant for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2).

On September 20, 1999, this Court sentenced Mr. Martinez to a term of imprisonment of 151 months. The parties agree, and the Court finds, that Mr. Martinez is entitled to the benefit of the retroactive amendment reducing crack cocaine penalties, which reduces the applicable offense level.

IT IS HEREBY ORDERED that the term of imprisonment originally imposed is reduced to a term of 135 months.

IT IS FURTHER ORDERED that all other terms and provisions of the original judgment remain in effect.

Unless otherwise ordered, Mr. Martinez shall report to the United States Probation office closest to the release destination within

STIPULATED MOTION and ORDER TO REDUCE SENTENCE

seventy-two hours after his release.

IT IS SO ORDERED.

**Dated: August 6, 2008**

**/s/ Oliver W. Wanger**  
UNITED STATES DISTRICT JUDGE